Mayday Protest Is Branded 'Mob Attack' by Kleindienst

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In a point-by-point rebuttal to accusations that the government violated civil liberties of Mayday protesters, a high Justice Department official will assert today that metropolitan police thwarted a "vicious, wanton mob attack" without impairing constitutional rights.

Deputy Attorney General Richard G. Kleindienst will say that groups such as the American Civil Liberties Union and individuals like Sen. Edward M. Kennedy (D-Mass.) with their continuing criticism have created a phony tale about what actually occurred during the demonstrations.

He will emphasize, in a speech prepared for delivery today before the Cleveland Rotary Club, that police made legal arrests of more than 12,000 persons during a three-day period, including about 7,000 on May 3 alone.

The fact that about half those arrested May 3 have been dismissed for lack of evidence does not indicate that the arrests themselves were improper, Kleindienst believes.

He contends that the sheer volume of law violators caused police to suspend use of field arrest forms on May 3. This suspension, he contends, was done at the discretion of Police Chief Jerry V. Wilson. The field arrest forms are not required either by the Constitution or District of Columbia law.

In the rush of action, Kleindienst said in his text, it was not possible for police to preserve evidence.

"But that is not the same as saying that these persons have been tried and acquitted" as some critics have implied, he asserts.

Part of the fable that came out of the May 3 arrests, he says, was caused by the ACLU, which said in a newspaper advertisement that most of those arrested had not committed any offense.

Kleindienst will say ". . . there were probably a few lawful arrests of persons who turned out to be innocent, but these are certainly the exception . . ."

Shortly after the arrests, Chief Wilson estimated that about a third of any large demonstration contains persons who are simply drawn to it out of curiosity.

Another myth, according to a draft of Kleindienst's speech, was that the Mayday action was spontaneous. He quotes from a New York Times editorial that said, "In fact, the Mayday demonstrators were mostly feckless and leaderless."

Kleindienst contends the disruption was planned as early as June, 1970, and continually discussed in advance of the trip to Washington. Supporting this contention, he will say residence checks have been made on about 8,000 of those arrested and only 11 per cent come from the District.

Virginia and Maryland were the home states of "only a small portion" of those arrested. Most of those arrested came from states a considerable distance from Washington, he will say.

". . . But maybe the American Civil Liberties Union will tell us that they were all tourists who just happened to be on the streets and bridges at 6 o'clock in the morning," his text suggests.

Recalling that Sen. Kennedy referred to Mayday activities as "civil disobedience in the American tradition of Thoreau and Martin Luther King," Juttice's No. 2 official says a minute-by-minute check of police logs reveals protesters committing crimes ranging from spreading nails on the streets to crashing a truck across an intersection. He also says that 39 policemen were injured and private citizens attacked, and asserts:

"To compare this vicious and wanton mob attack on Washington with the civil disobedience of Thoreau and Martin Luther King is to insult the memory of those men who stood for peaceful nonviolent protest."

Critics of the government, whom he labeled "sidewalk superintendents," make revealing omissions in their criticisms, he believes.

"They find no fault with the disrupters trafficking with those who are shooting at our soldiers in Vietnam," he will say.

"They are not expressing shock and indignation that 20,000 lawbreakers would try to stop the government.

"They are not appalled that a mob would make life unsafe for hours at a time at key points on the streets of Washington."